

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**LARRY WAYNE JONES
ADC #070147**

PLAINTIFF

v.

NO. 5:07CV00038 WRW/BD

**CORRECTIONAL MEDICAL
SERVICES, *et al.***

DEFENDANTS

ORDER

Pending is Defendants' Motion to Dismiss (#24). Defendants' Motion is
DENIED.

In their Motion, Defendants argue that Plaintiff is a "three striker" under the Prison Litigation Reform Act ("PLRA"). Defendants contend that Plaintiff is not entitled to the "serious physical injury" exception in the PLRA, 28 U.S.C. § 1915(g), because he was not in imminent danger at the time he filed his Complaint. Accordingly, Defendants request that the Court revoke Plaintiff's IFP status and dismiss the case.

Defendants previously moved the Court to revoke Plaintiff's IFP status for the same reason (#18). The Court denied Defendants' request (#23). Here, the Court also must deny Defendants' request. As the Court previously stated, Plaintiff's Complaint and Amended Complaint sufficiently allege a present serious risk to his health.

It is so Ordered this 18th day of September, 2007.



UNITED STATES MAGISTRATE JUDGE